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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,147	10/09/2003	Jeffrey C. Chu	GLOW-00401	2310

34209 7590 07/19/2005

LAW OFFICE OF DEREK J. WESTBERG
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EXAMINER	
LEE, JOHN J	
ART UNIT	**PAPER NUMBER**
2684	

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/684,147	CHU ET AL.	
	Examiner	Art Unit	
	JOHN J. LEE	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 April 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *8-41* is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/26/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's arguments with respect to claims 1 – 7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1 – 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersson et al. (US Patent number 6,334,047) in view of Houston et al. (US Patent number 6,336,030).

Regarding **claim 1**, Andersson discloses that a method for providing performance control of a transmitted signal (column 5, lines 42 – column 6, lines 30 and Fig. 1, 4). Andersson teaches that measuring a performance parameter of a received non-communication signal (pilot signal, probe signal, or could be any non-communication signals) (column 8, lines 1 - 37 and Fig. 2, where teaches monitoring and measuring signal strength and other performance parameters of a received pilot or a common control signal (non-communication signal)). Andersson teaches that measuring a performance parameter of a loop signal (column 8, lines 22 - column 9, lines 44 and Fig. 3, where teaches CIR (carrier-to-interference ratio) performance measurements of received loop signal for power control loop). Andersson teaches that adjusting power of the transmitted signal in response to the performance parameter of the received non-communication signal (pilot signal, probe signal, or could be any non-communication signals) and in response to the performance parameter of the loop signal (Fig. 3, 8, column 8, lines 1 - column 9, lines 54, and column 12, lines 23 - 52, adjusting the power level of the transmitted signal by power control command in response to the monitoring parameter of pilot signal or control signal and measuring the carrier performance of loop signal).

Andersson does not specifically disclose the limitation "adjusting power of the transmitted signal in response to the performance in response to the performance parameter of the loopback signal". However, Houston discloses the limitation "adjusting power of the transmitted signal in response to the performance in response to the performance parameter of the loopback signal" (column 4, lines 26 – column 5, lines 60 and Fig. 1, 3, where teaches loopback information, which adjusts updating information such that weight, power, and resource, is included within the transmission to provide necessary synchronization of user terminal with the satellites). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Andersson system as taught by Houston, provide the motivation to improve communication reliability by feedback information signal in satellite communication system.

Regarding **claim 2**, Andersson and Houston disclose all the limitation, as discussed in claim 1. Furthermore, Andersson further discloses that adjusting the power based on the performance parameter of the received non-communication signal and then adjusting the power based on the performance parameter of the loop signal (Fig. 3, 8, column 8, lines 1 - column 9, lines 54, and column 12, lines 23 - 52, adjusting the power level of the transmitted signal by power control command in response to the monitoring parameter of pilot signal or control signal and measuring the carrier performance of loop signal).

Regarding **claim 3**, Andersson and Houston disclose all the limitation, as discussed in claim 1. Furthermore, Andersson further discloses that adjusting the power based on the performance parameter of the received non-communication signal and adjusting the power based on the performance parameter of the loop signal performed alternately and repeatedly (Fig. 3, 8, column 8, lines 1 - column 9, lines 54, and column 12, lines 23 - 52, adjusting the power level of the transmitted signal by power control command in response to the monitoring parameter of pilot signal or control signal and measuring the carrier performance of loop signal for fast and efficient power loop control).

Regarding **claim 4**, Andersson discloses that adjusting power is based on historical samples of the performance parameter of received non-communication signal (Fig. 4, 8, and column 12, lines 23 – 67, where teaches adjusting the power based on comparing previous stored data of received signal).

Regarding **claim 5**, Andersson and Houston disclose all the limitation, as discussed in claim 1. Furthermore, Andersson further discloses that adjusting power is based on historical samples of the performance parameter of the loop signal (Fig. 4, 8, and column 12, lines 23 – 67, where teaches adjusting the power based on comparing previous stored data of received signal).

Regarding **claim 6**, Andersson discloses that adjusting power based on the received non-communication signal controls the transmitted signal in an open loop (column 3, lines 57 - column 4, lines 18, Fig. 3, 5, and column 8, lines 22 - column 9, lines 54, where teaches adjusting power based on open loop power control in combination with close loop power control).

Regarding **claim 7**, Andersson and Houston disclose all the limitation, as discussed in claim 1. Furthermore, Andersson further discloses that adjusting power based on the loop signal controls the transmitted signal in closed-loop (column 3, lines 57 - column 4, lines 18, Fig. 3, 5, and column 8, lines 22 - column 9, lines 54, where teaches adjusting power based on open loop power control in combination with close loop power control).

Allowable Subject Matter

4. Claims 8 - 41 are allowed.

Claims 8 - 41 are allowable over the prior art of record because a search does not detect the combined claimed elements as set forth in the claims 8 - 41..

As recited in independent claims 8 and 25, none of the prior art of record teaches or fairly suggests that a system for providing performance control of a first signal transmitted by a first station to second station comprises measuring a performance parameter of second signal that is transmitted to the first station from the second station, measuring a performance parameter of a third signal that is transmitted to the first from the second station, performing a first adjustment to the power of the first signal in response the performance parameter of the second signal, and performing a second adjustment to the power of the first signal in response the performance parameter of the third signal, and together with combination of other element as set forth in the claims 8 - 41. Therefore, claims 8 – 41 are allowable over the prior art of records.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gilhousen et al. (US Patent number 5,265,119) discloses Controlling Transmission Power in a CDMA Cellular Mobile Telephone System.

Wesel (US patent number 6,708,029) discloses Broadband Communication System for Mobile Users in a Satellite-Based Network.

Information regarding...Patent Application Information Retrieval (PAIR) system... at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

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Or P.O. Box 1450
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or faxed (571) 273-8300, (for formal communications intended for entry)

Or: (703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to USPTO Headquarters, Alexandria, VA.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(571) 272-7880**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay Aung Maung**, can be reached on **(571) 272-7882**. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L
July 8, 2005

John J Lee

EDAN ORGAD
PATENT EXAMINER/TELECOMM.
E.O. 7/10/05